

## **REMARKS**

### **I. APPLICANTS' INVENTION**

The present invention relates to an implantable electrode provided with a thin, porous, wettable polymeric covering. The electrode covering of the present invention tightly conforms to the external profile of an electrode, which minimizes air gaps and voids. The electrode covering is relatively thin, preferably less than 0.13 mm thick, and is treated to enhance rapid wetting by bodily fluids. The combination of minimal air gaps, tight conformance to the electrode, wettability and porosity of the thin covering, allows repeated, high energy electrical discharges to be transmitted without significant bubble formation, sparking or degradation of the covering. In addition, the electrode covering of the present invention has pore sizes tailored to minimize cellular ingrowth and tissue attachment thereby allowing a less traumatic removal of the electrode after implantation if extraction becomes necessary, for example due to infection or electrode dislodgment.

### **II. PRELIMINARY REMARKS**

A three-month extension of time is hereby requested. Please charge the appropriate fee to our Deposit Account No. 07-1729.

The Examiner has requested a copy of form PTO-1449 previously submitted with an Information Disclosure Statement on July 12, 2001. A copy of the requested form is included with this response.

An erroneous thickness measurement recited at page 15, line 27 has been corrected; basis for the amendment is in Table 1 of page 17 wherein the correct cover thickness is recited (19.4 microns).

### **III. CLAIM REJECTIONS**

All claims stand rejected over US Patent Application Publication No. 2002/014786 to Soukup et al. Specifically, claims 1-6, 8-12, 15-21, 42-47, 50 and 51 are rejected under 35 U.S.C. 102(e) as anticipated by this reference. Claim 7 is rejected as unpatentable over Soukup et al. under 35 U.S.C. 103(a). Claims 13, 14, 22-41, 48 and 49 are rejected under 35 U.S.C. 103(a) as unpatentable over Soukup et al. in view of Carson, US 5,931,862.

As described in the declaration submitted herewith under 37 CFR 1.131, the present invention was reduced to practice in the United States prior to the filing date of Soukup et al. Accordingly, all three rejections are now moot.

**CONCLUSION**

The applicants believe that their claims as amended are in good and proper form and are patentable over the cited art. As such, the applicants respectfully request reconsideration, allowance of the claims and passage of the case to issuance.

Respectfully Submitted,

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